

Attorney Docket No.: 5618.520-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Svendsen et al.

Confirmation No: 2614

Serial No.: 10/734,510

Group Art Unit: 1652

Filed: December 12, 2003

Examiner: T. Saidha

For: Phytase Variants

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the Office Action mailed January 26, 2005 that made a restriction requirement between the following Groups:

Group I – method of producing a modified phytase, where the modified has a mutation at a position 24, 27, 31, 33, 39, 40, 41, 42, 46, 49, 56, 59, 68, 69, or 70;

Group II – method of producing a modified phytase, where the modified has a mutation at a position 71, 72, 73, 74, 75, 76, 77, 78, 81, 82, 84, 116, 117, 119, or 120;

Group III – method of producing a modified phytase, where the modified has a mutation at a position 121, 122, 123, 124, 125, 127, 128, 132, 149, 150, 151, 152, 155, 156, or 157;

Group IV – method of producing a modified phytase, where the modified has a mutation at a position 158, 159, 160, 161, 162, 173, 170f, 170g, 171, 184, 185, 187, 190, 191, or 192;

Group V – method of producing a modified phytase, where the modified has a mutation at a position 193, 194, 100, 201, 201a, 201b, 201c, 201d, 201f, 202, 223, 228, 232, 233, or 235;

Group VI – method of producing a modified phytase, where the modified has a mutation at a position 236, 237, 239, 243, 246, 253, 256, 271, 272, 274, 275, 276, 277, 279, or 280;

Group VII – method of producing a modified phytase, where the modified has a mutation at a position 283, 285, 287, 288, 292, 293, 304, 332, 333, 334, 335, 336, 338, 341, or 342;

Group VIII – method of producing a modified phytase, where the modified has a mutation at a position 343, 348, 349, 362, 364, 367, 368, 369, 370, 371, 372, 374, 375, 376, or 387;

Group IX – method of producing a modified phytase, where the modified has a mutation at a position 393, 394, 396, 409, 412, 413, 421 or 431;

In response to this requirement, Applicants hereby elect with traverse the invention of Group II. Applicants hereby reserve the right to file continuing applications directed to the nonelected subject matter.

The basis for traverse is that there would not be a serious burden on the examiner if restriction were not required. Each of the nine designated inventions is classified in Class 435, subclass 196. Furthermore, the same prior art would have to be considered in determining patentability of all of the claims.


In response to the Examiner's request, the following is a list of applications/patents on phytase variants, which are owned by Novozymes:

1. U.S. Application No. 09/273,871, now U.S. Patent No. 6,514,495;
2. U.S. Application No. 10/083,452, now U.S. Patent No. 6,689,358;
3. U.S. Application No. 09/488,265, now U.S. Patent No. 6,720,174;
4. U.S. Application No. 09/273,922; and
5. U.S. Application No. 10/358,960.

The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this response or application.

Respectfully submitted,

Date: May 10, 2005


Elias J. Lambiris, Reg. No. 33,728
Novozymes North America, Inc.
500 Fifth Avenue, Suite 1600
New York, NY 10110
(212) 840-0097